1833 out of land from Conemaugh Township in the new Cambria County. The township was given the name of ''Richland'' because of the quality of its land.

Over the last 175 years, Richland Township has seen tremendous growth, and, in the last 2 decades in particular, has transformed itself into a hub of commercial, educational, retail, and high-tech opportunities. I'm proud of these accomplishments and I look forward to working to ensure continued growth and a brighter future for both Richland and our region.

The Richland Community Days are an extraordinary way for the citizens of Richland to recognize their township's history as well as to look forward to its future. Madam Speaker, I finish my remarks by congratulating Richland Township on its 175th Anniversary and to recognize the many volunteers who have worked hard to make the first annual Richland Community Days a success.

PROVIDING FOR PATENT AND TRADEMARK JUDICIAL APPOINTMENTS

SPEECH OF

HON. SHEILA JACKSON-LEE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, July 29, 2008

Ms. JACKSON-LEE of Texas. Mr. Speaker, I rise today in support of S. 3295, to amend title 35, United States Code, and the Trademark Act of 1946 to provide that the Secretary of Commerce, in consultation with the Director of the United States Patent and Trademark Office, shall appoint administrative patent judges and administrative trademark judges. S. 3295 amends both the Patent Act and Lanham Act with regard to administrative judge appointments. I support the bill and I encourage my colleagues to do likewise.

S. 3295 proposes that the Secretary of Commerce, in consultation with the PTO Director, appoint administrative patent judges and administrative trademark judges. H.R. 6362 also states that the Secretary of Commerce may deem the appointment of an administrative patent judge or administrative trademark judge who previously held office pursuant to an appointment by the PTO Director to have taken effect on the date when the administrative patent judge or administrative trade judge was originally appointed by the PTO Director. Additionally, the bill creates a defense to a constitutional challenge of an administrative patent judge or administrative trademark judge appointment, declaring that the administrative patent judge or administrative trademark judge was acting as a de facto officer after being appointed by the PTO Director.

Before March 2000, administrative patent judges were appointed by the Secretary of Commerce. In November 1999, new legislation gave the appointment power to the director of the PTO. That legislation took effect on March 29, 2000. Since then 47 of the 74 administrative patent judges currently serving on the Board of Patent Appeals and Interferences were appointed by the director of PTO.

S. 3295 is necessary because it creates a defense to constitutional challenge of an administrative patent judge or administrative trademark judge's appointment. This bill was introduced in response to several challenges.

In those challenges, parties are contesting the validity of the Board of Patent Appeals and Interferences decisions based upon the alleged unconstitutionality of the appointment of certain administrative patent judges who participated in those decisions. The challengers argue that the director of the PTO does not have the power of appointment under Article 2 of the Constitution. If courts hold these appointments unconstitutional, the effects could be widespread, affecting potentially thousands of patents and patent applications. This situation alone would lead to a greater patent backlog. The PTO already faces what seems to be an insurmountable patent backlog.

Specifically, this challenge creates arguments for patent applicants whose patent application rejections were affirmed by the Board of Patent Appeals and Interferences, as well as a potential defense for patent litigants where the patent in suit resulted from the Board's overturning an examiner's final rejection. S. 3295 is necessary to preserve the integrity of the administrative patent judge and administrative trademark judge appointment system.

I support this Act and encourage my colleagues to support it also.

INTRODUCTION OF THE COMPENSATION AND RESPECT FOR ENERGY WORKERS ACT ''CARE ACT''

HON. MARK UDALL

OF COLORADO

IN THE HOUSE OF REPRESENTATIVES

Thursday, July 31, 2008

Mr. UDALL of Colorado. Madam Speaker, today I am introducing a bill to improve the workings of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

The bill, cosponsored by my Colorado colleague, Mr. Perlmutter, is entitled the Compensation and Respect for Energy Workers Act (or ''CARE Act'').

It is similar to legislation with that title introduced in the Senate by Senator SALAZAR, but unlike the Senate version it also includes a section that would amend the EEOICPA to expand the number of former workers at the Rocky Flats site in Colorado covered by the ''special exposure cohort'' provisions of that law. This part of the new bill is identical to section 3 of H.R. 904, which I introduced with Mr. PERLMUTTER last year.

The Energy Employees Occupational Illness Program Act (EEOICPA) was enacted to compensate American workers (and certain survivors) who put their health and life on the line to serve our Nation during the Cold War. Among them were thousands of Coloradans who worked at Rocky Flats as well as some other sites covered by the EEOICPA law. Many of them developed beryllium disease, cancer, or other ailments from being exposed to beryllium, radiation, or other hazards.

When I was first elected to Congress, I began working with colleagues in the House and Senate—on both sides of the aisle—to provide a measure of justice for them and those with similar problems who worked at other nuclear-weapons sites.

Before the Clinton Administration, the federal government had resisted paying claims filed by injured workers. But, led by Bill Richardson as Secretary of Energy, the Clinton Administration took a different position and asked Congress to establish a compensation program.

That prompted me and other Members to introduce legislation to accomplish that objective. And I was among those who strongly supported the EEOICPA provisions that were finally enacted into law in 2000.

But the next year brought a new Administration that, regrettably, has not been as strong an advocate of the program as its predecessor. In fact, after the Bush Administration inherited this program, they have both mismanaged it and tried to undermine it. They seemed not to realize that this is not just about money, but about the honor of the United States.

With other supporters of the program, I have worked to get the Administration to improve its implementation—and I will continue to do so.

But I also have worked to correct problems with the EEOICPA law itself—and the bill I am introducing today is part of that ongoing effort.

While many people have received benefits under the Program, too many face incredible obstacles as they try to demonstrate that they qualify. More than 8 years after enactment, workers have died without receiving the healthcare or compensation they deserve. In fact, a combination of missing records and bureaucratic red tape has prevented many workers from accessing any compensation for their serious illnesses.

The CARE Act is designed to expand the category of individuals eligible for compensation, improve the procedures for providing compensation and transparency, and grant the Office of the Ombudsman greater authority to help workers.

Toward that end, the first 10 sections of the bill would:

Expand the list of cancers for which individuals are eligible to receive compensation—this would be done by amending the relevant part of another law, the Radiation Exposures Compensation Act (RECA) because EEOICPA adopts that law's list by reference.

Require the Department of Labor (DOL) to pay a claimant's estate should a claimant die after filing their claim but before receiving payment and leave no survivors.

Expand the duties of the Office of the EEOICPA Ombudsman to include the ability to provide information to claimants on benefits available under Part B.

Grant the Ombudsman the authority to contract for expert services to assist in the execution of its duties (e.g., individuals with expertise in health physics, medicine and toxicology).

Require DOL to provide the public with access to the ''site exposure matrix'' and any other databases or site profiles used to evaluate claims for compensation.

Expand the statute of limitations to 1 year to provide ample time for workers whose claims have been denied to file a petition in federal court.

Require any federal agency with jurisdiction over the program to provide information to claimants in easily understandable language and, if a claim is denied, provide claimants with a detailed, written explanation of all reasons for the denial and the additional documents, evidence, or information necessary to meet the burden of proof on appeal.